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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 70/85 of 9 December 2015,

Recalling also the relevant resolutions of the Security Council,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2015,[1]

Taking note of the letter dated 31 May 2016 from the Chair of the Advisory Commission of the Agency addressed to the Commissioner-General,[2] and noting the extraordinary meeting of the Commission held on 8 September 2016,

Underlining that, at a time of heightened conflict and instability in the Middle East, the Agency continues to play a vital role in ameliorating the plight of the Palestine refugees through the provision of, inter alia, essential education, health, relief and social services programmes and emergency assistance to a registered

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 13* (A/71/13).
[2] Ibid., *Supplement No. 13* (A/71/13), pp. 6-7.

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population of 5.3 million refugees whose situation has become extremely precarious and in providing a crucial measure of stability in the region,

Deeply concerned about the extremely critical financial situation of the Agency, caused by the structural underfunding of the Agency, as well as by rising needs and expenditures resulting from the deterioration of the socioeconomic and humanitarian conditions and the conflicts and rising instability in the region and their significant negative impact on the ability of the Agency to deliver essential services to the Palestine refugees, including its emergency, recovery, reconstruction and development programmes in all fields of operation,

Taking note of the update to the special report of 3 August 2015 of the Commissioner-General, submitted pursuant to paragraph 21 of General Assembly resolution 302 (IV) and conveyed by the Secretary-General on 15 September 2016 to the President of the General Assembly, regarding the severe financial crisis of the Agency and the negative implications for the continued delivery of core Agency programmes to the Palestine refugees in all fields of operation,

Expressing appreciation for the efforts of donors and host countries to respond to the continuing financial crisis, and expressing particular appreciation to the donors that extended generous support following the special report of 3 August 2015 of the Commissioner-General and the update of 15 September 2016 thereto, while acknowledging the steadfast support of all other donors to the Agency, and stressing the need for urgent efforts to comprehensively address the recurrent funding shortfalls affecting the Agency's operations,

Recognizing the Agency's efforts to develop innovative and diversified means to mobilize resources, including through partnerships with international financial institutions, the private sector and civil society,

Commending the Agency for the measures taken to address the financial crisis, including internal measures to contain costs, and expressing profound concern that, despite stringent efficiency measures and controls on expenditures, the Agency's programme budget, which is funded primarily by voluntary contributions from Member States and intergovernmental organizations, faces persistent shortfalls that are increasingly threatening the delivery of the Agency's core programmes of assistance to the Palestine refugees,

Stressing the need to support the Agency's capacity to uphold its mandate and to avert the serious humanitarian, political and security risks that would result from any interruption or suspension of its vital work,

Recognizing that the recurring and growing financial shortfalls directly affecting the sustainability of the Agency's operations need to be remedied by examining new funding modalities designed to put the Agency on a stable financial footing to enable it to effectively carry out its core programmes in accordance with its mandate and commensurate with humanitarian needs,

Welcoming the affirmation in the New York Declaration for Refugees and Migrants, adopted by the General Assembly on 19 September 2016,[3] that, inter alia,

[3] Resolution 71/1.

the Agency, along with other relevant organizations, requires sufficient funding to be able to carry out its activities effectively and in a predictable manner,

Welcoming also the support for the Agency reaffirmed at the ministerial meetings convened on 26 September 2015 and 4 May 2016, at the high-level conference convened on 2 June 2015 in New York to commemorate the sixty-fifth anniversary of the commencement of the Agency's operations and at other high-level meetings,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,[4]

Recalling also the Convention on the Safety of United Nations and Associated Personnel,[5]

Recalling further its resolutions 70/104 of 10 December 2015 on the safety and security of humanitarian personnel and the protection of United Nations personnel and 70/106 of 10 December 2015 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, calling upon, inter alia, all States to ensure respect for and the protection of all humanitarian personnel and United Nations and associated personnel, to respect the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance and to respect and ensure respect for the inviolability of United Nations premises,

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[6] to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of the Palestine refugees in all fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Bearing in mind the 2030 Agenda for Sustainable Development,[7] including the pledge that no one will be left behind, emphasizing that the Sustainable Development Goals apply to all, including refugees, and that the Agency's work in assisting the Palestine refugees is essential for their human development, and underscoring the Goals and targets on education, health care and youth, among others,

Gravely concerned about the extremely difficult socioeconomic conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, as a result of the recurrent military operations, continuing prolonged Israeli closures, the construction of settlements and the wall, and the severe economic and movement restrictions that in effect amount to a blockade, which have deepened unemployment and poverty rates among the refugees, with potentially lasting, long-term negative effects, while taking note of developments with regard to the situation of access there,

[4] Resolution 22 A (I).
[5] United Nations, *Treaty Series*, vol. 2051, No. 35457.
[6] Ibid., vol. 75, No. 973.
[7] Resolution 70/1.

Deploring the conflict in and around the Gaza Strip in July and August 2014, and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and older persons, as well as the widespread destruction of or damage to thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, as well as the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Deploring also attacks affecting United Nations installations, including Agency schools sheltering displaced civilians, and all other breaches of the inviolability of United Nations premises during the conflict in the Gaza Strip in July and August 2014, as reported in the summary by the Secretary-General of the report of the Board of Inquiry[8] and by the independent commission of inquiry established pursuant to Human Rights Council resolution S 21/1,[9] and stressing the imperative of ensuring accountability,

Gravely concerned about the lasting negative repercussions of the military operations in the Gaza Strip between December 2008 and January 2009, in November 2012 and in July and August 2014 on the humanitarian and socioeconomic situation of the Palestine refugees in the Gaza Strip, including high rates of food insecurity, poverty, displacement and depletion of coping capacities, and taking note in this regard of the United Nations country team report of 26 August 2016, entitled "Gaza: two years after",

Commending the Agency for its extraordinary efforts to provide shelter, emergency relief, medical, food, protection and other humanitarian assistance during the military operations of July and August 2014,

Recognizing the need for the swift implementation of all aspects of the temporary tripartite agreement facilitated by the United Nations in September 2014, and stressing the urgent need for the lifting of all Israeli closures and restrictions on the Gaza Strip and for the reconstruction of destroyed homes and infrastructure,

Recalling, in this regard, its resolution ES-10/18 of 16 January 2009 and Security Council resolution 1860 (2009) of 8 January 2009, as well as the Agreement on Movement and Access of 15 November 2005,

Calling upon Israel to ensure the expedited and unimpeded import of all necessary construction materials into the Gaza Strip and to reduce the burdensome cost of importation of Agency supplies, while taking note of recent developments with regard to the tripartite agreement facilitated by the United Nations,

Expressing concern about the severe classroom shortage in the Gaza Strip and the consequent negative impact on the right to education of refugee children,

Stressing the urgent need for the advancement of reconstruction in the Gaza Strip, including by ensuring the timely facilitation of construction projects,

[8] S/2015/286, annex.
[9] See A/HRC/29/52.

including extensive shelter repair, and the need for the accelerated implementation of other urgent United Nations-led civilian reconstruction activities,

Welcoming contributions made to the Agency's emergency appeals for the Gaza Strip, and calling urgently upon the international community for continued support in accordance with the Agency's strategic response plan,

Urging the full disbursement of pledges made at the Cairo International Conference on Palestine: Reconstructing Gaza, held on 12 October 2014, for ensuring the provision of the necessary humanitarian assistance and accelerating the reconstruction process,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and must ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, as well as through its presence at Gaza's crossing points,

Noting with appreciation the progress made towards rebuilding the Nahr el Bared refugee camp, commending the Government of Lebanon, donors, the Agency and other parties concerned for the continuing efforts to assist affected and displaced refugees, and emphasizing the need for additional funding to complete the reconstruction of the camp and end without delay the displacement from the camp of thousands of residents whose shelters have not been rebuilt,

Expressing deep concern at the critical situation of Palestine refugees in the Syrian Arab Republic and at the impact of the crisis on the Agency's installations and its ability to deliver its services, and regretting profoundly the loss of life and widespread displacement among refugees and the killing of 18 staff members of the Agency in the crisis since 2012,

Emphasizing the need for increased assistance to Palestine refugees in the Syrian Arab Republic as well as those who have fled to neighbouring countries, and emphasizing the necessity of ensuring open borders for Palestine refugees fleeing the crisis in the Syrian Arab Republic, consistent with the principles of non-discrimination and non-refoulement under international law, and recalling in this regard the statement by the President of the Security Council of 2 October 2013[10] and the New York Declaration for Refugees and Migrants,

Aware of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees, and recalling the need for the protection of all civilians in situations of armed conflict,

Deploring the endangerment of the safety of the Agency's staff and the damage and destruction caused to the facilities and properties of the Agency during the period covered by the report of the Commissioner-General, and stressing the

[10] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (S/INF/69).

need to maintain the neutrality and safeguard the inviolability of United Nations premises, installations and equipment at all times,

Deploring also the breaches of the inviolability of United Nations premises, the failure to accord the property and assets of the Organization immunity from any form of interference and the failure to protect United Nations personnel, premises and property,

Deploring further the killing and injury of Agency staff members by the Israeli occupying forces in the Occupied Palestinian Territory since September 2000, including the 11 Agency personnel killed during the military operations in the Gaza Strip in July and August 2014,

Deploring the killing and wounding of refugee children and women sheltering in the Agency schools by the Israeli occupying forces during the military operations of July and August 2014,

Affirming the need for accountability and compensation to victims of violations of international law in accordance with international standards by all sides,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement and access of the Agency's staff, vehicles and goods, and the injury, harassment and intimidation of the Agency's staff, which undermine and obstruct the work of the Agency, including its ability to provide essential basic and emergency services,

Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[11] by the Conference of High Contracting Parties to the Fourth Geneva Convention, including the call upon parties to facilitate the activities of the Agency, to guarantee its protection and to refrain from levying taxes and imposing undue financial burdens,

Aware of the agreement between the Agency and the Government of Israel,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,[12]

1. *Reaffirms* that the effective functioning of the United Nations Relief and Works Agency for Palestine Refugees in the Near East remains essential in all fields of operation;

2. *Expresses its appreciation* to the Commissioner-General of the Agency, as well as to all the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the difficult conditions, instability and crises faced during the past year;

3. *Expresses special commendation* to the Agency for the essential role that it has played for more than 65 years since its establishment in providing vital services for the well-being, human development and protection of the Palestine refugees and the amelioration of their plight and for the stability of the region, and

[11] A/69/711-S/2015/1, annex.

[12] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13* (A/49/13), annex I.

affirms the necessity for continuing the work of the Agency and its unimpeded operation and provision of services, pending the just resolution of the question of the Palestine refugees;

4. *Commends* the Agency for its extraordinary efforts, in cooperation with other United Nations agencies on the ground, to provide emergency humanitarian assistance, including shelter, food and medical aid, to refugees and affected civilians during and since the military operations in the Gaza Strip in July and August 2014, and recognizes its exemplary capacity to mobilize in emergency situations while continuously carrying out its core human development programmes;

5. *Expresses its appreciation* for the important support and cooperation provided by the host Governments to the Agency in the discharge of its duties;

6. *Also expresses its appreciation* to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities;

7. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East[13] and the efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

8. *Commends* the Agency for its six-year medium-term strategy for 2016-2021 and the Commissioner-General for his continuing efforts to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2016-2017;[14]

9. *Also commends* the Agency for sustaining its reform efforts, despite difficult operational circumstances, and recognizes its implementation of maximum efficiency procedures to reduce operational and administrative costs and to maximize the use of resources;

10. *Takes note* of the update to the special report of 3 August 2015 of the Commissioner-General, submitted pursuant to paragraph 21 of General Assembly resolution 302 (IV) and conveyed by the Secretary-General on 15 September 2016 to the President of the General Assembly, regarding the severe financial crisis of the Agency, and urges all States and international organizations to actively engage in efforts to address the conclusions and recommendations therein;

11. *Also takes note* of the letter dated 19 September 2016 from the President of the General Assembly appealing for active and collective engagement in efforts to urgently address the Agency's fragile state, including through action in support of the recommendations contained in the update to the special report;

12. *Commends* the Agency for its far-reaching measures to address its recurrent financial crisis, and encourages the Agency to continue its efforts to reduce the shortfalls in its programme budget in order to safeguard the delivery of core programmes;

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[13] A/71/350.

[14] *Official Records of the General Assembly, Seventieth Session, Supplement No. 13A* (A/70/13/Add.1).

13. *Calls upon* all donors and relevant stakeholders to support the Agency, with a view to ensuring a sustainable and stable financial situation for the Agency in order to safeguard core programmes, pending the just resolution of the question of the Palestine refugees;

14. *Takes note with appreciation* of the report of the Secretary-General on the strengthening of the management capacity of the Agency,[15] and urges all Member States to carefully consider the conclusions and recommendations contained therein, including the continued provision of financial resources from the regular budget of the United Nations, in the light of the recurrent funding shortfalls faced by the Agency;

15. *Endorses* the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as is practicable, on an emergency basis and as a temporary measure, to persons in the area who are internally displaced and in serious need of continuing assistance as a result of recent crises in the Agency's fields of operation;

16. *Encourages* the Agency to provide increased assistance, in accordance with its mandate, to affected Palestine refugees in the Syrian Arab Republic as well as to those who have fled to neighbouring countries, as detailed in the Syrian regional crisis response plans, and calls upon donors to urgently ensure sustained support to the Agency in this regard in the light of the continuing grave deterioration of the situation and the growing needs of the refugees;

17. *Welcomes* the progress made thus far by the Agency in rebuilding the Nahr el-Bared refugee camp in northern Lebanon, and calls for donor funding to enable the expeditious completion of its reconstruction, for the continued provision of relief assistance to those displaced following its destruction in 2007 and for the alleviation of their ongoing suffering through the provision of the necessary support and financial assistance until the reconstruction of the camp is complete;

18. *Encourages* the Agency, in close cooperation with other relevant United Nations entities, to continue to make progress in addressing the needs, rights and protection of children, women and persons with disabilities in its operations, including through the provision of necessary psychosocial and humanitarian support, in accordance with the Convention on the Rights of the Child,[16] the Convention on the Elimination of All Forms of Discrimination against Women[17] and the Convention on the Rights of Persons with Disabilities;[18]

19. *Recognizes* the acute protection needs of Palestine refugees across the region, and encourages the Agency's efforts to contribute to a coordinated and sustained response in accordance with international law, including the Agency's development of its protection framework and function in all field offices, including for child protection;

20. *Commends* the Agency for its provision of humanitarian and psychosocial support and other initiatives that provide recreational, cultural and

[15] A/65/705.
[16] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[17] Ibid., vol. 1249, No. 20378.
[18] Ibid., vol. 2515, No. 44910.

educational activities for children in all fields, including in the Gaza Strip, and, recognizing their positive contribution, calls for full support for such initiatives by donor and host countries and encourages the building and strengthening of partnerships to facilitate and enhance the provision of these services;

21. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[7]

22. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[8] in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times;

23. *Takes note* of the investigations into the incidents affecting the Agency's facilities during the conflict in the Gaza Strip in July and August 2014, and calls for ensuring accountability for all violations of international law;

24. *Urges* the Government of Israel to expeditiously reimburse the Agency for all transit charges incurred and other financial losses sustained as a result of the delays and restrictions on movement and access imposed by Israel;

25. *Calls upon* Israel particularly to cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and to cease levying taxes, extra fees and charges, which affect the Agency's operations detrimentally;

26. *Reiterates its call upon* Israel to fully lift the restrictions impeding or delaying the import of necessary construction materials and supplies for the reconstruction and repair of thousands of damaged or destroyed refugee shelters, and for the implementation of suspended and urgently needed civilian infrastructure projects in refugee camps in the Gaza Strip, noting the alarming figures reflected in the United Nations country team report of 26 August 2016, entitled "Gaza: two years after";

27. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

28. *Notes with appreciation* the positive contribution of the Agency's microfinance and job creation programmes, encourages efforts to enhance the sustainability and benefits of microfinance services to a greater number of Palestine refugees, especially in view of the high unemployment rates affecting them, and youth in particular, welcomes the Agency's efforts to streamline costs and increase microfinance services through internal reform efforts, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

29. *Reiterates its appeals* to all States, the specialized agencies and non-governmental organizations to continue and to augment their contributions to the programme budget of the Agency, to increase their special allocations for grants and scholarships for higher education to Palestine refugees and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the

Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

30. *Urges* all States, the specialized agencies and non-governmental organizations to support the Agency's valuable and necessary work in assisting the Palestine refugees in all fields of operation by providing or increasing their contributions to the Agency in order to address the serious financial constraints and underfunding affecting its programme budget, noting that financial needs have been exacerbated by conflicts and instability in the recent period and the deteriorating humanitarian situation on the ground;

31. *Calls*, in this regard, for the full and timely funding by donors of the Agency's emergency, recovery and reconstruction programmes as set out in its emergency appeals and response plans;

32. *Requests* the Secretary-General to facilitate broad consultations with Member States, notably host countries, members of the Advisory Commission and other donors, as well as with international financial institutions, to explore all potential ways and means, including through voluntary and assessed contributions, to ensure that the Agency's funding is sufficient, predictable and sustained for the duration of its mandate, and requests the Secretary-General to report on the conclusions of those consultations and recommendations to the General Assembly by March 2017 for its consideration, without prejudice to the advice of relevant committees.